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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/597,748

Applicant(s)VAN DER POEL, LUCAS LEO
DESIREE**Examiner**

David J. Makiya

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's amendments filed 8/14/2008 have been entered.

Claim Objections

Claim 19 is objected to because of the following informalities: it is unclear as to how a "diffuser" can also "collimate" light. If light passes through a diffuser, the light is diffused or scattered into multiple directions and not adjusted such that all light rays are parallel.

Claims 22, 24-25, and 27 are objected to because of the following informalities: it is unclear as to what the applicant is referring to regarding the "plurality of rotating means." The language "rotating means" as claimed defines multiple mechanisms that independently rotate the second light. The claims will be interpreted such that the "rotating means" are the plurality of protruding elements that can rotate, not the mechanism that forces rotation.

Claims will be interpreted as best understood. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 10, 12-14, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hefner (US Patent 5,186,659) in view of Chernick et al. (US 2004/0004828).

With respect to claims 1-4, 6, 10, and 12, Hefner teaches a lighting unit comprising a first light element 16 formed as a conventional light source and including a second lamp cap (Threads of 16); and a second light element 10, comprising: a housing 13; a conventional lamp cap 12; a plurality of protruding elements 22 extending outwardly from the housing, the plurality of protruding elements bearing a plurality of lights (Column 4, Lines 25-28; Figure 5); and a fitting 15 to fittingly receive the first light element (Figure 1), wherein the housing substantially surrounds the fitting (Figure 5), wherein: and a second lamp cap whereby the first and the second light elements are removably attached via the fitting (Figure 1) and the second lamp cap (Figure 5), and the fitting and the second lamp cap providing provide electrical and mechanical connection between both the first and the second light elements (Column 3, Line 62-Column 4, Line 28); wherein the plurality of protruding elements are evenly distributed around the housing of the second light element module (Figure 5) and the plurality of lights of the lighting unit are positioned symmetrically relating to a rotational axis (Center line through 18) defined by the conventional lamp cap, the second lamp cap and the fitting of the LED module (Figure 5).

However, Hefner fails to teach the plurality of lights being a plurality of LEDs.

Chernick et al. teaches a lighting unit comprising a second light element comprising a housing 12; a conventional lamp cap 14; a plurality of protruding elements 16 extending outwardly from the housing, the plurality of protruding elements each bearing a plurality of LEDs (20; Paragraph 15); wherein the plurality of protruding elements are rotatable around a rotational axis with respect to the housing (Paragraph 16; Figure 3); the plurality of LEDs comprise at least two types of LEDs emitting in operation radiation with at least two different wavelengths (Paragraph 15), and wherein each type of the LEDs can be activated independently

(Paragraph 16); and wherein at least some of the plurality of LEDs are arranged as an LED module (Figure 1).

It would have been obvious and advantageous to one of ordinary skill in the art at the time of the invention to modify and reconstruct the lighting unit of Hefner by replacing the lights with LEDs and making the protruding elements rotatable from the teachings of Chernick et al. because the LEDs are "high-output...[in] any color or combination of colors...in any desired configuration" (Chernick et al.; Paragraph 15) for increased brightness and flexibility with a more diverse pattern of lights while making the protruding elements rotatable "produces a changing pattern of lights that is highly interesting to an observer" (Chernick et al.; Paragraph 5).

With respect to claim 13, Hefner teaches the lighting unit wherein the plurality of protruding elements are structurally configured so as to facilitate heat dissipation from the plurality of LEDs (Column 4, Lines 5-16).

With respect to claim 14, Hefner teaches the lighting unit wherein the plurality of protruding elements comprise three protruding elements disposed at 120 degree intervals around the housing (Figure 5).

With respect to claims 22, 24-25, Hefner teaches a lighting unit apparatus, comprising a first light element 16 formed as a conventional light source and including a second lamp cap (Threads of 16); and a second light element 10 bearing a plurality of lights (Column 4, Lines 25-28; Figure 5), the second light element comprising a housing 13; a conventional lamp cap 12; a plurality of protruding elements 22 each bearing a light source extending outwardly from the housing (Figure 5); and a fitting 15 to fittingly receive the first light element, wherein the housing substantially surrounds the fitting (Figure 5), wherein the first and the second light

elements are removably attached via the fitting (Figure 1) and the second lamp cap (Figure 5), and the fitting and the second lamp cap provide electrical and mechanical connection between the first and the second light elements (Column 3, Line 62-Column 4, Line 28).

However, Hefner fails to teach the lighting unit apparatus wherein the plurality of lights is a plurality of LEDs and the plurality of protruding elements being rotating means.

Chernick et al. teaches a lighting unit comprising a second light element comprising a housing 12; a conventional lamp cap 14; a plurality of protruding elements 16 extending outwardly from the housing, the plurality of protruding elements each bearing a plurality of LEDs (20; Paragraph 15); wherein the plurality of protruding elements are rotatable around a rotational axis with respect to the housing (Paragraph 16; Figure 3); the plurality of LEDs comprise at least two types of LEDs emitting in operation radiation with at least two different wavelengths (Paragraph 15), and wherein each type of the LEDs can be activated independently (Paragraph 16); and wherein at least some of the plurality of LEDs are arranged as an LED module (Figure 1).

It would have been obvious and advantageous to one of ordinary skill in the art at the time of the invention to modify and reconstruct the lighting unit of Hefner by replacing the lights with LEDs and making the protruding elements rotatable from the teachings of Chernick et al. because the LEDs are "high-output...[in] any color or combination of colors...in any desired configuration" (Chernick et al.; Paragraph 15) for increased brightness and flexibility with a more diverse pattern of lights while making the protruding elements rotatable "produces a changing pattern of lights that is highly interesting to an observer" (Chernick et al.; Paragraph 5).

With respect to claim 23, Hefner teaches the lighting unit wherein the plurality of LEDs is controlled by at least one remote control signal 26.

Claims 5, 15, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hefner in view of Chernick et al. as applied to claim 4 above, and further in view of Plumeyer (US Patent 6,203,174)

With respect to claims 5 and 27-29, Hefner in view of Chernick et al. teaches the lighting unit wherein the second light element comprises a plurality of protruding elements.

However, Hefner in view of Chernick et al. fails to teach diffuser elements extending outwardly from the housing.

Plumeyer teaches a lighting unit comprising a second light element 3 comprising a plurality of protruding elements (2b, 2c) extending outwardly from a housing 2a and a diffuser element (5b; Column 2, Lines 54-56) attached to the protruding element (Column 2, Lines 49-61) and configured to diffuse light effects generated by the lighting apparatus (Column 2, Lines 9-12) and is configured to be folded in and outside an emission direction of the light 3 via a hinge (Column 3, Lines 14-35).

It would have been obvious and advantageous to one of ordinary skill in the art at the time of the invention to modify and reconstruct the lighting unit of Hefner in view of Chernick et al. by adding a diffuser with a hinge to the protruding element from the teachings of Plumeyer because a diffuser would “direct a cone or beam of light in accordance with the pivoting and rotation of the disk, or a spread, diffusely reflected light” (Plumeyer; Column 2, Lines 9-12) to increase the area of illumination of the lighting unit.

With respect to claim 15, Hefner in view of Chernick et al. teaches the lighting unit wherein the plurality of protruding elements is configured to rotate automatically during the operation of the lighting unit (Chernick et al.; Paragraph 16).

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hefner in view of Chernick et al. as applied to claim 1 above, and further in view of Vanderschuit (US 2004/0264187).

With respect to claims 7 and 8, Hefner teaches the lighting unit as described above.

However, Hefner in view of Chernick et al. fails to teach the first or second light element is dimmable.

Vanderschuit teaches a lighting unit comprising a first light element 16 formed as a conventional light source (Paragraph 17) and including a second lamp cap 32, a second light element 10 comprising a housing; a conventional lamp cap 20; a plurality of protruding elements 638 comprising LEDs (618; Paragraph 28); the first and the second light elements are removably attached via the fitting and the second lamp cap (Figure 9), the fitting and second lamp cap providing electrical and mechanical connection between both light elements (Paragraph 15) and wherein the first or second light element is dimmable (Paragraphs 24, 29).

It would have been obvious and advantageous to one of ordinary skill in the art at the time of the invention to modify and reconstruct the lighting unit of Hefner in view of Chernick et al. by making the light elements dimmable from the teachings of Vanderschuit because “the dim light should provide sufficient but not overwhelming illumination to allow a user to readily locate the device 10” (Vanderschuit; Paragraph 24).

With respect to claim 9, Hefner teaches the lighting unit wherein the dimming is effected by means of remote control.

Claims 11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hefner in view of Chernick et al. as applied to claims 4 and 25 above, and further in view of Huang (US Patent 5,072,341).

With respect to claims 11 and 26, Hefner in view of Chernick et al. teaches the lighting unit as described above.

However, Hefner in view of Chernick et al. fails to teach the protruding element comprising a hinge.

Huang teaches a lighting unit comprising a second light element comprising a housing 11; a lamp cap 20; and a plurality of protruding elements 40; wherein each protruding element of the plurality of protruding elements comprises a hinge 21 that enables the protruding element to rotate around at least one axis tangential to the housing (Column 2, Line 61-Column 3, Line 3).

It would have been obvious and advantageous to one of ordinary skill in the art at the time of the invention to modify and reconstruct the lighting unit of Hefner in view of Chernick et al. by adding a hinge to the plurality of protruding elements because they “enable the rotary member to be forced to rotate about the connecting rod” (Huang; Column 2, Lines 3-7) to allow for easier assembly and adjustment of the second light element while maintaining an electrical connection.

Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hefner in view of Chemick et al. and Plumeyer.

With respect to claims 16-21, Hefner teaches a lighting apparatus, comprising a first light element 16 formed as a conventional light source and including a second lamp cap (Threads of 16); and a second light element 10 bearing a plurality of lights (Column 4, Lines 25-28; Figure 5), the second light element comprising: a housing 13; a conventional lamp cap 12; a plurality of protruding elements 22 extending outwardly from the housing and evenly distributed around the housing (Figure 5), wherein each of the protruding elements bears at least one light (Figure 5); and a fitting 15 to fittingly receive the first light element, wherein the housing substantially surrounds the fitting (Figure 5), wherein: the first and the second light elements are removably attached via the fitting (Figure 1) and the second lamp cap (Figure 5), and the fitting and the second lamp cap provide electrical and mechanical connection between the first and the second light elements (Column 4, Lines 25-28; Figure 5); wherein the plurality of protruding elements are evenly distributed around the housing (Figure 5).

However, Hefner fails to teach the plurality of lights being LEDs and the plurality of protruding elements comprising a diffuser element.

Chemnick et al. teaches a lighting unit comprising a second light element comprising a housing 12; a conventional lamp cap 14; a plurality of protruding elements 16 extending outwardly from the housing, the plurality of protruding elements each bearing a plurality of LEDs (20; Paragraph 15); wherein the plurality of protruding elements are rotatable around a rotational axis with respect to the housing (Paragraph 16; Figure 3); the plurality of LEDs comprise at least two types of LEDs emitting in operation radiation with at least two different

wavelengths (Paragraph 15), and wherein each type of the LEDs can be activated independently (Paragraph 16); and wherein at least some of the plurality of LEDs are arranged as an LED module (Figure 1).

Plumeyer teaches a lighting unit comprising a second light element 3 comprising a plurality of protruding elements (2b, 2c) extending outwardly from a housing 2a and a diffuser element (5b; Column 2, Lines 54-56) attached to the to the protruding element (Column 2, Lines 49-61) and configured to diffuse light effects generated by the lighting apparatus (Column 2, Lines 9-12) and is configured to be folded in and outside an emission direction of the light 3 via a hinge (Column 3, Lines 14-35).

It would have been obvious and advantageous to one of ordinary skill in the art at the time of the invention to modify and reconstruct the lighting unit of Hefner in view of Chernick et al. by replacing the lights with LEDs and making the protruding elements rotatable from the teachings of Chernick et al. because the LEDs are “high-output...[in] any color or combination of colors...in any desired configuration” (Chernick et al.; Paragraph 15) for increased brightness and flexibility with a more diverse pattern of lights and by adding a diffuser with a hinge to the protruding element from the teachings of Plumeyer because a diffuser would “direct a cone or beam of light in accordance with the pivoting and rotation of the disk, or a spread, diffusely reflected light” (Plumeyer; Column 2, Lines 9-12) to increase the area of illumination of the lighting unit.

Response to Arguments

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tasson (US 2005/0099810) teaches a second light element with a hinge. (Acquisto (US Patent 6,036,331) and Wang (US Patent 5,082,422) teach secondary lights with protruding, rotatable elements.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Makiya whose telephone number is (571) 272-2273. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DJM/
12/07/2008

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